IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 1456 of 2007

Dated 26th February, 2007

Between
Dasari Vijay Bhaskar

…Petitioner

and

JNT University, rep. By its Registrar,
Kukatpally, Hyderabad, and anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1456 of 2007

ORDER:

In this Writ Petition, the petitioner has questioned the order dated 11-9-2006 issued in letter Ref.GMRIT/Letter/2006/6692, by which the petitioner was debarred from the second respondent-institute as a measure of punishment.

The petitioner is a student of IV year Mechanical Engineering course, studying in the second respondent-Institute. On 5-9-2006, one Mr.Chada Pancha Mukesh, a student of second year Chemical Engineering course lodged a complaint before the Sub-Inspector of Police, Rajam, alleging that on 4-9-2006 at about 11.00 AM, the petitioner and some others entered his room, caught hold of him and

dragged him to their room and harassed him mentally and physically, which are nothing but illegal acts being in violation of the provisions of the A.P. Prohibition of Ragging Act, 1997. Based on the said complaint, a crime was registered in Crime No.136 of 2006 on the file of the Station House Officer, Rajam Police Station, against the petitioner, for the alleged offence under Section 4(I)(II) (III) and (IV) of A.P. Prohibition of Ragging Act, 1997 read with Sections 452, 342, 232 and 34 IPC. On coming to know of the said incident, the second respondent-institute suspended the petitioner from the college and a committee was constituted to enquire into the complaint against the petitioner. It is stated that based on the recommendations of the said committee, the petitioner is debarred from the institute, by the impugned order.

In this Writ Petition, it is submitted by the learned Counsel appearing for the petitioner that the petitioner was not involved in the act of ragging. It is further submitted that, as, admittedly, the incident happened outside the college campus, no order could have been passed debarring the petitioner from the institute unless a valid enquiry is conducted, by issuing notice to the petitioner. It is submitted that though committee was constituted, but, no notice was issued to the petitioner and the enquiry was conducted ex parte and based on the report of the committee, impugned order is passed, which is in violation of the provisions of the A.P. Prohibition of Ragging Act, 1997 and the Principles of Natural Justice.

On the other hand, it is submitted by the learned Counsel appearing for the respondents that based on the complaint lodged by the complainant, a case was registered against the petitioner in Crime No. 136 of 2006 on the file of the Station House Officer, Rajam Police

Station and when the same was brought to the notice of the second respondent-institute, action was initiated, enquiry was conducted and the impugned order is passed.

It is alleged in the complaint that the acts stated in the complaint amount to ragging. To curb the menace of ragging in educational institutions, a Legislation, namely, The Andhra Pradesh Prohibition of Ragging Act, 1997 was brought into force. Sections 4 of the Act provides for the penalties, and, as per Section 5 of the Act, if a student is convicted of an offence under Section 4 and punished with imprisonment, such a student can be dismissed from the educational institution. Apart from the penalties under Sections 4 and 5 of the Act, whenever a student complains of ragging to the Head or Manager of the educational institution, such Head or Manager, shall enquire or cause an inquiry to be done into the same, and, is empowered to suspend such student for such period as may be necessary, and, the decision of the Head or Manager of the educational institution is final.

In this case, after complaint is filed, a case was registered in Crime No.136 of 2006 on the file of the Station House Officer, Rajam Police Station, against the petitioner, for the alleged offence under Section 4(I)(II) (III) and (IV) of A.P. Prohibition of Ragging Act, 1997 read with Sections 452, 342, 232 and 34 IPC and it is stated that the same is pending trial. So far as penalties contemplated under Section 4 of the Act are concerned, the same can be imposed only in the event of conviction by the competent Criminal Court. But, however, based on issuance of FIR, if any independent action has to be taken by the management or Head of the institute, it can take such an action by passing the order of suspension for such period as may be necessary, after conducting valid enquiry. Though it is stated that a committee

was constituted, no notice was given to the petitioner, and based on the recommendations of the committee, impugned order came to be passed. There is no indication of the period in the impugned for which the petitioner was debarred from the college. As much as the petitioner is in the final year engineering course, if he is debarred without conducting any valid enquiry, it will have serious consequences on his career. When a committee was constituted to enquire into the complaint made against the petitioner, the Committee should have issued notice and afforded an opportunity to the petitioner of being heard before concluding the enquiry. Though the act of ragging has become a serious problem in all the Educational Institutions in the State, but however, when a complaint is made, unless the person against whom allegations are made is issued with a notice of enquiry and is heard, he cannot be deprived of his further studies.

In that view of the matter, the order dated 11-9-2006 passed by the second respondent-institute, debarring the petitioner is set aside. However, it is made clear that it is open for the respondents to issue notice, conduct enquiry and pass appropriate orders in accordance with Section 6 of The Andhra Pradesh Prohibition of Ragging Act, 1997 and Rules made thereunder.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 26-02-2007.
Msnr.